



Legislative Department Seattle City Council Memorandum

Date: June 8, 2009

To: Councilmember Sally Clark, Chair
Councilmember Tim Burgess, Vice Chair
Councilmember Tom Rasmussen, Member
Planning, Land Use and Neighborhood Committee (PLUNC)

From: Michael Jenkins, Council Central Staff

Subject: Council Bill (CB) 116534 - Issue Identification for Lowrise zones

The following is a list of issues to consider as you begin your review of the proposed Lowrise code changes. As a follow up to the framework established in the May 13, 2009 briefing, I have grouped this review into four distinct topics:

- Multifamily zoning framework
- Structure development standards
- Site development standards
- Structure design

For each topic I have highlighted issues that may be of interest to Committee members for further review or discussion. The next scheduled date to follow-up on any issue highlighted in this report is on June 30, concurrent with your scheduled evening neighborhood meeting in West Seattle.

1. Multifamily zoning framework

A. Modify zoning designation criteria by reducing distinctions between zoning classifications

The Department of Planning and Development (DPD) proposal modifies existing code provisions related to the designation of each Lowrise zone. The designation of any multifamily zone is supported by general criteria. Each specific Lowrise zone includes a function statement and locational criteria. Function statements provide an overview of the type and extent of development anticipated in the zone. Locational criteria specify the factors of the built environment, transportation system and distance to other permitted uses that are relevant when determining a zone designation.

The proposal would modify both all of these elements by removing or modifying language related to existing character and development as a consideration when evaluating rezone requests. The relationship between revisions to these criteria and the Executive's stated goals to improve on the overall design and quality of multifamily structures is unclear. Department of Planning and Development analysis states that current code language does not support ongoing neighborhood planning efforts to promote a variety of housing types. The proposed changes may result in greater ease in changing zoning designations.

Options to consider:

- Adopt the proposed revisions
- Make only those changes required to support proposed development standards, where necessary
- Request additional analysis from DPD related to the relationship of the proposed changes to zone criteria and function statements with ongoing neighborhood planning efforts

PLUNC Committee Direction:

B. Prohibit rezoning of property to L4 zone.

DPD's proposal would prohibit rezoning of property to L4 zoning. 4% of multifamily-zoned land (168 acres) is zoned L4. Previous rezones have occurred in the past 10 years that rezoned property to L4 designation. The L4 zone allows structures of 37 feet in height (a 4 story structure). Under the proposed code changes, a 37 foot tall structure would be allowed in an L3 zone, which has a 30 foot height limit, if the additional story is related to the provision of 'affordable' housing. While DPD's proposal achieves affordable housing goals in L3 zones, it is unclear why the code should prohibit the ability to provide 4 story buildings outright.

Options to consider

- Make no change to the proposal
- Do not accept proposal – retain the existing L4 zone
- Request additional analysis from DPD as to the need to eliminate the L4 zone for future rezones

PLUNC Committee Direction:

2. Structure development standards

A. Establishing Floor Area Ratio standards

The proposal to eliminate density, lot coverage and structure width and depth standards in favor of a floor area ratio (FAR) requirement implements previous policy decisions, most recently adopted in the 2006 commercial code update. FAR establishes a ratio based on the size of a lot that regulates the bulk and scale of development without dictating the minimum number of dwellings. For example, an FAR of 1 on a 5,000 square foot lot would allow 5,000 square feet of development. The current density standards provide a minimum lot area requirement by each Lowrise zone for each dwelling. For example the density standard in the Lowrise 1 zone is one dwelling unit per 1,600 square feet of land. On a similarly sized 5,000 square foot lot, 3 dwelling units would be permitted.

While adopting FAR is consistent with previous zoning code revisions, DPD would also retain existing density limits with FAR in the LDT, L1 and L2 zones. DPD proposed this two tiered system as a way to limit impacts of bulk and density in these zones, as they are typically located outside of urban villages and urban centers and are also located near single family zones. Committee members may want to consider other options such as to provide the same result without adopting overlapping standards.

Options to consider:

- Approve proposal as drafted
- Approve proposed but reject density provisions in LDT, L1 and L2
- Require additional landscaping, setbacks or other provisions to address potential impacts in lieu of retaining density provisions in LDT, L1 and L2 zones

PLUNC Committee Direction:

B. Retain 25 foot height limit in LDT, L1 and L2 zones

The proposal retains the existing 25 foot height limit in LDT, L1 and L2 zones. However, the initial drafts of the multifamily code that DPD distributed for public comment called for increasing the height limit in these zones from 25 feet to 30 feet; a SEPA determination included with these original proposals determined that any impacts would be adequately mitigated. It is not clear why the current proposal eliminates this provision.

Significant analysis has occurred from stakeholder groups documenting that current building forms considered to be problematic will continue to be developed if the 25 foot height limit is retained. While the proposal reduces setbacks away zone edges, it is not clear why this same approach would not be applicable for height.

Options to consider

- Allow 30 foot height limit in LDT, L1 and L2 zones outright
- Allow 30 foot height limit in LDT, L1 and L2 zones except on a SF zone edges
- Allow 30 foot height limit in LDT, L1 and L2 zone with a lower FAR on zone edges

PLUNC Committee Direction:

C. Reducing Distinction between building type

Each Lowrise zone has development standards governing structure width and depth and permitted lot coverage for each type of structure (townhouse, apartment or individual dwellings). Apartments, townhouses or individual dwellings are permitted in most Lowrise zones; however townhouses and individual dwellings are only permitted in the LDT and L1 zones. DPD's proposed code would generally eliminate these distinctions, resulting in one set of development standards for multifamily structures. Apartments would remain prohibited in the LDT zone. Some existing development standards would be retained when a multifamily zoned lot abuts or is across the street from a single family zoned lot.

Committee members may want to consider adopting some distinct standards for specific building features (common open space, common entrance areas, expression of individual units, location of parking, etc.).

DPD's Director's report highlighted that housing production in some Lowrise zones has not meet anticipated targets. While townhouse development has been the defining structure type in Lowrise zones, new apartments have lagged. Committee members may want to consider modifying standards to promote development of housing types that may accommodate additional densities in these zones.

Options to consider:

- Accept the proposal as written
- Require specific design features based on building type
- Consider the use of FAR, height or other development standards to encourage apartments or stacked flats over townhouses

PLUNC Committee Direction:

D. Changes to structure setback requirements

Setback requirements currently vary by zone and generally require a minimum distance between a structure wall and a property line. Setback requirements currently differ along front, side and rear property lines. Setback requirements are also required between structures on a lot. DPD's proposed code would simplify setback requirements by establishing a general setback requirement of an average of 7 feet or a minimum of 5 feet from all property lines in all Lowrise zones. Existing setback requirements between structures in Lowrise zones would be retained and slightly increased when structures are separated by a driveway or parking aisle. The proposed increased setback between structures addresses concerns that these existing requirements between structures have created 'dead' zones when those setbacks accommodate driveways or parking areas. The proposed code also provides greater setbacks when a property abuts or is across the street from a single family zone.

While increased setbacks may be appropriate when a Lowrise zone lot is next to a single family zoned lot, the required 40 foot right of way width in these zones may be adequate. Public comment has questioned the need for property line or structure setback requirements in multifamily zones, as they may conflict with reaching desired neighborhood densities and limit innovative building types.

The proposed increased setbacks between structures when driveways and auto courts are present support the proposed reduced property line setbacks and the request to change open space requirements (discussed in section #3, below). Committee members may want to consider additional development standards (landscaping, architectural elements) to enhance the street frontage if reduced setbacks are approved.

Options to consider

- Accept proposal as written
- Adopt reduced height or FAR on single family zone edges in lieu of reduced setbacks.
- Increase setbacks in single family zones when abutting a multifamily zone
- Adopt different setbacks for parking courts when they face the street or when they are internal to the development

PLUNC Committee Direction:

E. Retain existing development standards on lots in Lowrise zones exceeding 9,000 square feet

DPD's proposed code replaces existing development standards (lot coverage, structure width and depth) with FAR and other more flexible standards to control the bulk and appearance of structures. However, on lots exceeding 9,000 square feet in Lowrise zones DPD proposes retaining and enhancing existing development standards. The current maximum lot coverage (45% in LDT, 50% in all other) that applies to townhouse structures would be applied to all multifamily structures on these lots. Structure width and depth standards would also be retained and would slightly exceed current provisions.

DPD suggests that retaining existing standards for Lowrise zoned lots that exceed 9,000 square feet will better address bulk and scale impacts than the development standards applicable to smaller sized lots. While 9,000 square foot lots in Lowrise zones may be inconsistent with other lots in Lowrise zones, which are generally 5,000 or 6,000 square feet, simply limiting FAR or requiring design review for such lots may be a more appropriate approach than adopting conflicting development standards.

Options to consider

- Adopt the provision without modification
- Limit the number of structures on lots greater than 9,000 square feet
- Limit the amount of FAR when such lots exceed the average size of surrounding lots
- Require all lots to go through design review when they that exceed a certain minimum lots size

PLUNC Committee Direction:

F. Height and FAR increase in L3 zones and Incentive Zoning

DPD's proposal would extend the City's incentive zoning program (SMC 23.58A) to the Lowrise 3 zone. In the Lowrise 3 zone, a project that provides affordable housing for 'moderate wage workers' would be allowed an increase in height from 30 feet to 37 feet and an increase in FAR from 1.4 to 2.0. The proposed code also requires that projects comply with either LEED building standards or the BuiltGreen program of the King and Snohomish County Master Builders Association. (Issues with LEED and BuiltGreen are discussed in Section 4, below). Four story structures in L4 zones would still be permitted without these provisions. In some neighborhoods, additional FAR but no additional height would be permitted¹, with similar limitation when a Lowrise 3 zoned lot is within 50 feet of a single family zoned lot.

¹ Admiral, Eastlake, Lake City, Morgan Junction, Upper Queen Anne and Wallingford Urban Villages

Public comments on this proposal suggest that allowed heights in this zone are not sufficient to make the provision enough of an incentive. While provision of affordable housing may implement the city's incentive zoning code, it is unclear how building to LEED or BuiltGreen standards in this zone relates to the provision of affordable housing, except for their relationship to other programs that allow FAR increases.

Options to consider

- Adopt the proposed height and FAR increases
- Adopt the proposed height and FAR increases but consider different public benefits in lieu of green building
- Consider with potential code revisions related to the adoption of SMC 23.58A

PLUNC Committee Direction:

3. Site development standards

A. Moving from Open Space to Common Recreation Area requirements

The existing Lowrise code has a variety of open space requirements depending on the zone or building type. The general open space requirement in Lowrise zones is 300 square feet of open space for each townhouse unit, of which 200 square feet has to be directly accessible from the unit. Apartments in Lowrise zones are required to have open space in an amount of between 25 and 30% of the total lot area. Unit size is not a factor in determining the amount of required open space. Each Lowrise zone also has open space development standards that specify, for townhouses or apartments, where open space can be located and how the area can be configured.

DPD's proposed code for Lowrise zones would adopt standards currently applied in downtown and commercial zones. The term 'open space' would be replaced with 'residential amenity area' and change the standard to a minimum of 5% of the development in residential use. The proposed code would allow required open space areas to be at each unit or combined into a larger area, or to be provided in a minimum 60 square foot deck for each unit.

A typical four unit townhouse development in a Lowrise zone has 1,500 square feet per unit or a total of 6,000 square feet over the entire development. The current code requires 300 square feet of open space per dwelling unit, regardless of dwelling size. DPD's proposed code, assuming the same 4 unit townhouse development, would only require 300 square feet of open space - a 75% reduction from current standards. The proposed code would allow the open space area to be combined, however enclosed areas would be prohibited at townhouses and apartment buildings.

The reduced open space requirement appears to support proposed development standards affecting auto courts. DPD's proposed code changes affecting structure setbacks would increase the minimum auto court width from 22 to 24 feet and reduce the permitted structure overhang on these auto courts from 10 feet to 3 feet. These standards are also supported by the proposed reduction in front and rear setbacks to 7 feet. The effect of accommodating additional area for these features reduces potential locations and available area for open space.

Options to consider

- Retain existing standards
- Modify proposed open space area standards
- Allow open space requirements to be met off-site
- Adopt incentives for rooftop open space when flat roofs are provided
- Adopt incentives that promote underground parking, to reduce the amount of space allotted for surface parking and maneuvering
- Require auto courts to be designed with open space amenities

PLUNC Committee Direction:

B. Adopting Green Factor landscaping

DPD's proposal extends the City's Green Factor program adopted with the 2006 Commercial code update to Lowrise zones. The Green Factor does not dictate specific landscaping features at a development. The Green Factor evaluates the landscape features that are provided using a weighted scoring format based on lot size. The Green Factor allows for traditional landscaping (tree and shrub planting) as well as encouraging green walls, porous pavement, green roofs and other innovative techniques. Other than extending an existing program, it is not clear why this approach is needed in the Lowrise zone.

The Green Factor allows for landscaping on roofs, walls and in the right of way, as structures in commercial zones typically cover 100% of a lot. Since development in Lowrise zones are allowed less lot coverage, it is unclear why the Green Factor is appropriate in Lowrise zones. In addition, it is not clear why the scoring requirements would be doubled (from .3 in Commercial zones to .6 in Lowrise zones), since Lowrise development allows for more landscaping areas. The proposal does not extend green factor requirements for nonresidential uses (Institutions or Public Schools) permitted in Lowrise zones.

Options to consider

- Accept proposal as written

- Retain existing landscape standards
- Adopt incentive based program to accomplish program goals
- Extend requirement to nonresidential uses in multifamily zones

PLUNC Committee Direction:

C. No parking required for Multifamily zones in Urban Centers and Station Area overlay

In 2006, the Commercial Code update included the adoption of a provision that established no minimum parking requirement for commercial uses in commercial zones within Urban Centers and Station Area Overlay Districts². DPD's proposed code would extend this standard to Lowrise zones within the same overlay areas.

DPD's analysis supporting extending this standard to Lowrise zones mirrors information provided with the 2006 commercial code changes. The current minimum parking requirements are based on car ownership and parking demand patterns established in the 1980's. Significant expenditures in transit and non-motorized options along with higher commercial and residential densities in Urban Centers and Station Area Overlay District's have resulted in reduced parking demand as compared to other areas around Seattle. Consequently, the oversupply of parking in these areas results in additional and unwarranted costs associated with its development, estimated at approximately \$30,000 per parking space. It is important to note that the lack of a parking requirement does not result in the lack of onsite parking in these areas.

Options to consider

- Accept the proposal as written
- Provide additional documentation or data addressing impacts of reduced parking supply

PLUNC Committee Direction:

² Only 4 of the City's 6 Urban Centers have multifamily zones – First Hill/Capitol Hill, Uptown, University District and Northgate. Five station area overlay districts – Henderson, Othello, Edmunds, McClellan and Beacon Hill – have multifamily zones.

4. Structure design

A. Design standards for multi-family dwellings

DPD has proposed a new code section establishing basic design standards in Lowrise zones. This new code section requires street facing walls greater than 750 square feet in area to have projections or recessed areas detailed with trim on rooflines, porches and windows. Exceptions to these requirements are permitted when alternatives such as using more than one building material, providing architectural detailing (porches, bays, columns, cornices, etc.) or including special landscape features. New standards are also proposed requiring design treatments for street facing building entrances and garage doors.

The exceptions to street facing wall requirements appear to be more appropriate as basic standards and not exceptions. Such basic design features, coupled with any required change in a street facing wall, would provide greater visual interest for any development with a street facing wall. Other design features that may be appropriate for basic design features include:

- Minimum standards for street facing auto courts
- Limiting the number of street facing window styles
- Establishing a minimum width for trim around all windows
- Specifying the use of certain materials (brick, wood, etc)
- Requiring decorative paving for all hard surfaces
- Limiting the height of combined fencing and rockeries

Committee members may also want to consider how the size and configuration of lots in Lowrise zones contribute to repetitive townhouse design. It should also be noted that DPD's proposed code does not include the Mayor's 2008 proposal that would require design review for all townhouse structures.

Issues to consider

- Adopting additional basic design standards for all structures
- Consider the issue concurrent with the Executive's proposal on design review for townhouse
- Evaluate if minimum lot size or dimension requirements for townhouse development relate to issues with townhouse design

PLUNC Committee Direction:

B. Departures from Design Review

The City's Design Review program provides for departures from development standards when DPD determines that the proposed design better meets the intent of the city's Design Guidelines if the departure is approved. Unless specifically prohibited, any development standard is eligible for this consideration. DPD's proposed code would allow the following Lowrise zone development standards eligibility for a departure from development standards:

- Front, rear or side setbacks
- Reductions of common recreation areas
- Green factor
- Lot coverage, width and depth standards on lots over 9,000 sf
- Height for rooftop elevators and wind turbines

Committee members may want to consider prohibiting certain departures, in particular those related to LEED, green factor and common recreation areas.

PLUNC Committee Direction:

C. Leadership in Energy and Environmental Design (LEED) for multifamily structures.

The adoption of LEED and other 'green' building standards support the incentive zoning proposals for the Lowrise zone. When incentive zoning is used to gain additional height in the Lowrise 3 zone, a qualifying project must meet either the LEED Silver standard or the King County Master Builder's program (BuiltGreen) standards. Compliance with either LEED or BuiltGreen development would occur in two steps - with a letter of intent prior to permit issuance and written certification within 90 days of certificate of occupancy.

LEED or BuiltGreen may not be appropriate for residential structures in the Lowrise zone. The US Green Build Council, which is the organization that certifies LEED construction practices, appears to only have a pilot program affecting small scale residential development. In addition, there is no specific comparison provided between the merits of Built Green versus LEED. Such a comparison may be warranted. Committee members may also want to consider the policy implications of adopting BuiltGreen, developed by a local association (Master Builder's), in lieu of an independent body (U.S. Green Building Council).

DPD's proposal does not include requirements to adopt LEED for nonresidential uses, including schools or institutions, in Lowrise zones. Committee members may want to consider applying LEED or similar standards for these uses.

June 8, 2009
PLUNC
Issue ID – Multifamily code update

PLUNC Committee Direction: